**HON'BLE SRI JUSTICE R.SUBHASH REDDY**

**WRIT PETITION NO : 26274 of 2007**

**Dated 10th December, 2007**

Between

Kimpalli Nagamma

…Petitioner

and

The Government of Andhra Pradesh,
Rep. By its Principal Secretary,
Tribal Welfare Department, Secretariat,
Hyderabad, and, ors

…Respondents.

**THE HON'BLE MR JUSTICE R.SUBHASH REDDY**

**WRIT PETITION NO : 26274 of 2007**

**ORDER:**

In view of the pendency of the revision petition filed by the petitioner against the order of eviction before the first respondent, this Writ Petition is disposed of at the admission stage.

The petitioner claims to be the owner and possessor of the lands admeasuring Ac.2.13 cents covered by Sy.No.26 and Ac.0.33 cents covered by Sy.No. 25/E of Pinapaka village & Mandal of Khammam District. The Special Deputy Collector (Tribal Welfare), Bhadarchalam, third respondent herein, initiated proceedings for eviction of the petitioner from the lands in question on the ground that in spite of notice to the petitioner, she did not attend the case and passed ex parte orders dated 12-4-2005 for eviction in LTR Case No. 22/2001/PNK. As the said order was confirmed by the appellate authority, i.e. Additional Agent to Government, ITDA, Bhadrachalam,

by order dated 11-9-2007 passed in CMA.No. 77 of 2005, the petitioner has preferred revision petition before the first respondent-Government on 4-12-2007, along an application for grant of stay. On the ground that, in spite of her application for interim orders, no orders have been passed and on the other hand, the respondents are taking steps for eviction, the petitioner has approached this Court.

It is submitted by the learned Counsel for the petitioner that in earlier round of litigation, the proceedings ended in favour of the petitioner and in spite of the same, in absence of any provision for review, impugned order of eviction is passed. It is submitted that the petitioner has purchased the land in question in the year 1969 and since then she is in continuous possession and the transfer of the said land is not in contravention of the A.P. Scheduled Areas Land Transfer Regulation 1/1959, as amended by Regulation 1/1970.

Heard the learned Counsel for the petitioner and the learned Government Pleader appearing for the respondents.

In view of the pendency of the revision petition filed by the petitioner before the first respondent, it is not desirable to go into merits of the case, whether the transfer of the said land in favour of the petitioner is in violation of the A.P. Scheduled Areas Land Transfer Regulation 1/1959, as amended by Regulation 1/1970, or not. However, as it is stated that the petitioner has purchased the said land in the year 1969 and since then she is in continuous possession, and, further, in earlier round of litigation, proceedings initiated against the petitioner ended in favour of the petitioner, in that view of the matter, I deem it appropriate to allow the petitioner in possession of the subject land till the disposal of the revision petition by the first respondent. In that view of the matter, I direct the first respondent to dispose of the revision petition filed by the petitioner against the order dated 22-9-

2007 passed in CMA No. 77 of 2005, confirming the order of eviction dated 12-4-2005 passed in LTR.No.22/2001/PNK, as expeditiously as possible. Till the disposal of the revision petition, the order dated 12-4-2005 passed by the third respondent, as confirmed by the second respondent by order dated 22-9-2007 in CMA.No. 77 of 2005 shall remain suspended and there shall be a further direction to the respondents to allow the petitioner to cultivate the subject land, pending disposal of the revision petition.

Subject to the above direction, the Writ Petition is disposed of at the admission stage. No order as to costs.

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*JUSTICE R. SUBHASH REDDY*

DATE: 10-11-2007
Ccd by Tomorrow (BO) Msnr.